

# Exhibit 2

## Part 4

that she kept on top of her desk. MD Rahman is a witness to the type and number of knives that Ms. Prieto kept on her desk.

As Ms. Prieto increased the number of knives that she kept on top of her desk out in the open for easy access, Ms. Prieto also increased the intensity and severity of her violent behavior to physical threats and to physically slapping me.

Ms. Rossi deceitfully omits the context in which I shared that others were attacking me. I had charged Ms. Rossi specifically with having created a "Hostile Environment" by her favoritism upon Ms. Prieto (and apparently Mr. Wall). I charged Ms. Rossi with having enabled and empowered Ms. Prieto to continue to harass and torture me without any fear of being actually disciplined. As a result there was such a Hostile Environment in Lab 11, that Hal Rappaport, a friend of Violeta Prieto had attempted to join in the harassment, likely encouraged by Ms. Prieto and Mr. Wall. Mr. Rappaport is also white.

As I have shared and discussed above, all examiners of Lab 11 were aware of Ms. Prieto's constant harassment. The examiners were also aware that I had complained to Mr. Such and Ms. Rossi. All examiners were aware that nothing had occurred with Ms. Prieto because Ms. Prieto continued her harassment on a weekly basis. I shared further when Ms. Prieto would yell "SHUT UP!" and look first and Mr. Wall for affirmation, and then to the opposite side of the room (coincidentally, where Mr. Rappaport sat), Ms. Prieto would laugh and/or chuckle.

During my discussion with Ms. Rossi, I shared that each and every time Ms. Prieto that to me, she made me feel like she was saying to all other in the lab, "Look at how you talk to a 'Nword'".

Do you all see how I am talking to this 'N-word.' Ha, ha, ha." I shared further that I once waited for four minutes until Mr. Rappaport got up from Training Assistant Supervisor Mohsen Ahmadi's desk. Mr. Rappaport obtained assistance on a patent application. I shared, as discussed above that Mr. Wall saw that I was waiting and that I was next in line. I shared that as Mr. Rappaport got up out of the chair, Mr. Wall rudely just jumped in front of me began asking his question. As I shared above, I informed Mr. Wall that I had waited four (4) minutes to ask my question and that Mr. Wall saw that I had been waiting. I informed Mr. Wall that I was next and that Mr. Wall should wait his turn. I shared that Mr. Wall had remained rude and impolite; Mr. Wall replied, "Well, I am going to just jump in front of you." Lastly, I shared that I made the choice to remain professional and just walk away rather than pushing and shoving with Mr. Wall inside of the workplace to regain my place.

More importantly, I shared that Mr. Ahmadi had not corrected Mr. Wall's conduct. Mr. Ahmadi admitted that he was not familiar with my technical art at all. Mr. Ahmadi had informed me that he was more than willing to help me understand substantive patent law, but that it was better if I sought assistance from a primary examiner within my Technology Center, which is another reason that I asked to be moved to my Technology Center. This is likely why Mr. Ahmadi did not correct Mr. Wall; he shied away from my technical questions.

Ms. Prieto and Mr. Wall had created a hostile environment for me. And Mr. Rappaport was joining in their hostility. I shared with Ms. Rossi that Michael Obinna (STIC/EIC) had lectured

the lab on Search Strategies. At the end of the class, Mr. Obinna and I were engaged in conversation about various search strategies and also discussing a time for me to sit with Mr. Obinna for search assistance. I shared that Mr. Rappaport walked up to Mr. Obinna and me being fully aware that I was talking at the moment, but instead of being polite and courteous, Mr. Rappaport chose to just start talking asking his question over top of my voice and statements. I shared that I squelched Mr. Rappaport voice in the strongest tones of voice so that Mr. Rappaport could clearly get the picture that I was no longer going to tolerate he and his coconspirators abuse and bullying me. Michael Obinna is a witness to this. I shared that Mr. Obinna first thought that I was being a little harsh, but after I explained what had taken place in Lab 11 since the early weeks of the training period, Mr. Obinna understood my disposition.

Ms. Rossi, however, deceptively and intentionally lumps those separate incidents together in her disingenuous manner to shed me in a false light as an attacker and troublemaker but not as the victim who is being bullied in her lab. Ms. Rossi's predilections cause her to protect Whites who are acted the cause of all of this chaos, Ms. Prieto, Mr. Wall, and Mr. Rappaport could simply not extend to me (and other examiners) professional courtesies even if proscribed by PTO rules, policies, and federal or state laws.

**Because I am a Black male, Ms. Rossi refuses to accept that under her watch I have been bullied for four (4) months by a person/person who knew fully that Ms. Rossi would stereotype and discriminate against me the Black male so she/they would remain unscathed, even if she/they slapped me.**

**I shared all of the above with Ms. Rossi, but she still acts with racial animus against me.**

Ms. Rossi's prejudice and discrimination based upon gender and race are the reasons for Violeta Prieto and Vincent Wall knowingly not complying to PTO rules and policies, but instead, harassing, creating a hostile environment, and/or committing workplace violence.

**Ninth-Twelfth paragraphs:** Ms. Rossi does not hesitate to state her ninth through twelfth paragraphs exactly as I stated. But Ms. Rossi is being disingenuous still because she leaves out the most important context of my statements.

**I told Ms. Rossi that Violeta Prieto slapped me but Ms. Rossi omits this fact from her Report Summary.**

At all times, I informed Ms. Rossi that Ms. Prieto, Mr. Wall conducted themselves in the manner they did because they are bigots, and may as well be racists. I shared further that both Ms. Prieto and Mr. Wall continued their harassment of me and/or others in the lab room after their discussions with Ms. Rossi or Mr. Such because of the leniency and favoritism shown to each over and against me. Specifically, I charged Mr. Wall of hiding behind the workplace to carry out his abuse and harassment because he was a White male and the high-ups were also White, i.e. Jessica Rossi as well Gary Jones and Deborah Reynolds.

As it related to Ms. Prieto, I shared similar statements that Ms. Prieto continued her harassment, torture, and violence as a direct result of Ms. Rossi enabling her and empowering her. Yes, I absolutely shared that Ms. Prieto (and Mr. Wall) would not speak to me with physical threats as



well as physically slap me but for both being inside of the workplace. But I also shared that Ms. Prieto and Mr. Wall intentionally violate the PTO rules and policies because of Ms. Rossi discriminatory attitude inside the workplace.

I shared that in my personal experience, and from what I had seen over the past four months, I had no reason to believe that the PTO was any different than the private sector. I shared that my personal experiences are that when Whites are in the higher-up positions, and there is a conflict, even if the Black/African American male was the victim and the White person, especially a White Female, was the wrongdoer, those White higher-ups would fire the Black person. Just cut off his livelihood and protect the White person because America has bigoted, prejudiced, and racist people even inside the workplaces.

Ms. Rossi makes certain to put my statements in her report as to “being outside out the workplace” because **Ms. Rossi has absolutely been made aware that Ms. Prieto slapped me inside the workplace.** So Ms. Rossi **attempts** to develop an alibi for Ms. Prieto should Ms. Prieto choose to attack me with one of her knives; or, if Ms. Prieto should want to slap me outside the workplace. Ms. Rossi continues to attempt to show that I was and/or am the violent one, and not Ms. Prieto. Relating to my statements, yes, I believe that both Ms. Prieto and Mr. Wall would not act the same outside of the workplace. However, I could very well be wrong. Both Ms. Prieto and Mr. Wall could be crazy. Either could attempt to stab or cut me. Those two are the knife users within the workplace when others cut their fruit and foods at home. I observed Mr. Wall ask Ms. Prieto to borrow her knives on two occasions.

Upon Mr. Wall’s returning the knives that he first had borrowed from Ms. Prieto, Mr. Wall then stood in the aisle and shout out loud, “Violeta, I wouldn’t want to mess with you; you got a knife.”

Remarkable and incredible is that Ms. Rossi has intentionally, purposefully, and maliciously omitted the fact that I also told her that Ms. Prieto slapped me. After Ms. Rossi’s obvious racial animus on December 16, 2013, accept for her calling me on December 19, 2013, I have not bothered to express any concern to her.

However, Ms. Rossi being put on alert that Ms. Prieto has engaged in workplace violence during the Patent Training Academy burdens Ms. Rossi as Class Manager to adequately and fairly address the issue. Now, Ms. Rossi, however, acts without ethics and sweeps the issue under the carpet, ignores my complaints, and acts with a deliberate indifference to my complaints of workplace violence by Ms. Prieto.

I shared further that some persons in positions of power are seemingly upstanding, but when conflicts arise between Whites and Blacks, and the Blacks are the victims, those Whites have shown their true colors. I ended with a much stronger voice “I am the victim here Jessica,” and in an even stronger voice, “appreciate it, ‘I am the victim.’”

I dropped the level of the tone of voice drastically, and I sighed, then I said, “Now Jessica, I came to the PTO, the government, and I am loyal to the US government. I would hope that the government is different than the private sector. I would hope that the higher-ups here, all White,

will have greater integrity, greater honor, and have ethics to do the right thing. I am the victim, and there are witnesses to every attack, slap, and "SHUT UP!" You all just have to do the right thing and go and discover the truth. But from what I have seen, I do not see any difference between the PTO and the private sector. America's legacy is still rearing its ugly head here, and the Black man is being punished when he sat for four (4) months and allowed a White female to harass him, threaten him, and physically slap him. I allowed Vince to abuse me too. Why? Because I foolishly believe that y'all would do the right thing."

Absolutely, I did express that I believed that I should not have been called into Matt's office by Ms. Rossi. And I stated my reason as being that I have listed many witnesses, and I charged and challenged Ms. Rossi to go and poll the entire lab about my conduct being polite, professional, and courteous. I challenged her to do so before she acted out her stereotypes and prejudices, accusing me and judging me without any evidence that is remotely unbiased or, at least, reasonably objective.

Ms. Rossi was quite comfortable with her racial animus, prejudices, and stereotypes against me, topped off with Ms. Prieto blatantly and maliciously false statements. Ms. Rossi simply falls back on her tenure, grade, and position as Class Manager to make statements without any degree of care or concern for her statements' truth and veracity. She did not bother to talk to any witnesses. That is unfair to me, and it is discriminatory because she intentionally fails to speak to witnesses in order to shed me in a false light as the wrongdoer, and not the victim.

During the entire meeting, Ms. Rossi was incapable of explaining the necessity for Ms. Prieto to have multiple cutting and stabbing knives inside of the work place. Ms. Rossi also dwells in the grey areas of the issue, i.e. "she purposefully and deceitfully avoids stating explicitly what exactly I did that violated any PTO rule or policy." Ms. Rossi had also failed at that time to list a single witness, especially a lecturer who alleges that I disrupted the lecture. (Perhaps Ms. Rossi can now go out at this time and gather up a lecturer who can support her but did not report any misconduct be me before).

To the contrary, I would assert that a majority of lecturers would state that I added to and aided the lectures. If I were allowed to do my own investigation, I would specifically seek a statement from Dave Okonsky, Lyle Alexander, Mohsen Ahmadi. E.g., relating to Mr. Ahmadi, there were numerous times that I assisted him in just getting the class up and running on technical issues, e.g., Ms. Prieto was an examiner with a PH.D. who could not plug a headphone set into the correct port at the bottom of the telephone when there is a picture for such persons. I did not report that Ms. Prieto shouting out in her monstrous voice about her headset not working was disruptive to me. I did not yell at her "SHUT UP!" And I did not yell at her, "SHUT UP! You're too stupid to plug that headset into the right port and there is a symbol for persons like you."

Ms. Rossi has excused Ms. Prieto's violence under the pathetic that Ms. Prieto was frustrated. I too, on numerous occasions, was extremely frustrated, beyond frustrated with Ms. Prieto, but I did not resort to telling her to "SHUT UP!" or workplace violence.

Ms. Rossi, apparently, has different standards of behavior for Whites as compared to Blacks. Ms. Rossi, like all others, remains silent about the fact that I told her that Ms. Prieto has engaged in workplace violence. Ms. Rossi has intentionally and deceitfully omitted the fact that I defend



myself against her false and improper accusations of being disruptive by telling Ms. Rossi that Ms. Prieto has escalated her violence from telling to “Shut Up!” on a weekly basis to engaging in physical threats to actually slapping me.

I specifically told Ms. Rossi that Ms. Prieto had backhand slapped me, and when she did, Ms. Prieto got red ink on the back of her hand. **But nowhere in Ms. Rossi’s Summary does Ms. Rossi state anything to the effect.**

**My response to this obvious cover-up by all parties involved here is that there is not only a witness, Alam R. Mohammed, but that I sent emails having statements to the same, that Ms. Prieto engaged in workplace violence and slapped me.** Thank goodness for email. *See Exhibit E* (a copy of emails sent to Bismark Myrick of EEOD and Jennifer Ware of Human Resources)(stating: And during a lecture break, instead of going on her break, she leaped from her desk in front of me, and began chastising me and swinging and pointing her hands and fingers at invading my personal space. She stood over me doing this. I was sitting and holding an ink pen which I used to take notes. She put her hands so close to my person and face that her hand stuck my hands and the ink pen. She had to gall and nerve to say, “You wrote on me.” I replied (something to the effect), “You hit me and the pen and knocked it out of my hand; you wrote on yourself. Quit putting your hands in my face, get away from me, and go back to your desk. “ I believe strongly that it was Alam Mohammed sitting adjacent to me and when I looked at him, he smiled and nodded in agreement to my statements.).

Ms. Rossi’s racial and gender discrimination against me, her acting with a racial animus, and her racially stereotyping me has caused me considerable hurt and pain. I believe that the fact that I am still dealing with this matter an approximate eight (8) months longer than necessary is a direct and proximate result of Ms. Rossi’s (as well as that of the other PTO officials involved) deliberate indifference and discrimination based against me because of my gender and race. Now a trier of fact will have to discern whether Ms. Rossi would have extended the same overwhelmingly gross leniencies to me as she has done so to Ms. Prieto. I do not believe it for one second, as stated above.

If Ms. Rossi had addressed and corrected Ms. Prieto adequately, there would not have been such a hostile environment where by Ms. Prieto (and Mr. Wall) continued harassment and torture to the point of physical violence in the workplace.

Even with current knowledge of my allegations, Ms. Rossi and other PTA/PTO officials sit and calculate my demise and protect Ms. Prieto because she is a White female and I am a Black male. Based upon Ms. Prieto’s behavior, and Mr. Wall’s behavior, they should not be working here at the USPTO now. But they are both White so they are given entitlements and privileges that I have not received (or other Black persons would not likely receive).

This is unfair and violates Title VII. This racial and gender discrimination smacks the spirit of Title VII in the face; the discrimination “*backhand slaps*” Title VII in the face (*emphasis added*).

### **Jennifer Ware Incident Report**

5. What did you do in response to Mr. Walls' harassment and did you report this to a supervisor and did the supervisor intervene?

I asked Mr. Walls to stop the harassment and asked him to wait his turn. I told him I did not appreciate the harassment. I went to Mr. Such about this. I sent Mr. Such an email about this in September/October. See email attached as Exhibit "2". I said I needed to talk with him and asked Mr. Walls to be present. Mr. Walls said he wanted to meet by himself. I suggested a meeting together. I first asked Mr. Such to send out a reminder and ask to be courteous to fellow examiners.

6. Did Mr. Such do that?

Yes, he did send out a general reminder to everyone to remember the rules established by the class and to respect others.

7. Approximately when did Mr. Such issue that reminder to the class?

Before we met regarding Mr. Walls.

8. So what happened when you met with Mr. Such?

Mr. Such met with each of us alone.

9. When did this meeting take place?

Approximately October, 2013 to the best of my recollection.

10. Describe the substance of your conversation with Mr. Such.

We discussed Mr. Wall interrupting me when I raised my hand and we discussed his slandering me and defaming me by putting my name on the board without my consent. We discussed Vincent Wall jumping in front of me while I was waiting my turn to get help.

11. What did Mr. Such he tell you and advise you during this meeting?

He said that he would talk to Mr. Walls.

12. What happened next?

Mr. Such then brought us together (me and Mr. Walls).

13. What happened during between you and Mr. Walls and Mr. Such?

Mr. Such reminds us of the rules for the class and about treating everyone with respect. He indicated that if problems continued he would refer both of us to the class manager, Jessica Ward (now Jessica Rossi). I said that I would like to meet with Ms. Ward if it continued as I want her



to know.

14. What did Mr. Walls say during the meeting?

He did not say anything.

15. What happened after that meeting?

Two days later, Mr. Walls started harassing another student. He would shout out loud, "Say hey, MD, I want to join your religion, I want all those days off." Md (another student in the class who was Muslim) indicated to Mr. Walls that he had to make up the days he had taken off. The next day, Mr. Walls did the same thing. He asked Md who the leader was of his religion. He stated he wanted to come into the room for his religion. Md responded that he did not think Mr. Walls believed in his religion. Mr. Walls said, "Aren't the gods the same?"

Mr. Walls comes back in the next day, says, "Md, I want to join you religion, who is your leader, I want those days off." Md just walked away. He also asks "How come all you guys are all named Mohamed?" So instead of harassing me, Mr. Walls has started to harass Md, and then Violeta Prieto starts harassing me.

16. Where are the instructors when all of this is going on?

The two instructors are not there. There are visiting instructors. The instructions are not in the lab because we are working. They are in their offices outside the lab. I found this harassment of Md to be distracting, etc.

I told Mr. Ahmadi what Mr. Walls had said Md, about the religion and about teasing him about religion. Mr. Ahmadi said he would address it. Then I sat down for 30-40 minutes. I got fearful because Mr. Walls was doing what he was doing, and he is White, and I felt like management was going to protect White and I would be seen as the bad guy. So I went back to Mr. Ahmadi and said, "I did not want to be involved." I had gone to Md and to another Muslim named Mohammed and said, "Why don't you go tell? Islam said being disrespected," but because of stereotypes on Muslims, they did not want to report it. They indicated they just wanted to keep their heads down and not report. I said he should not be doing it, but they just wanted to get through the 4 months at the Training Academy. Mr. Walls engaged in this behavior when the supervisors were not in the room. It was done during our examining time when we are supposed to be working on a case.

17. Approximately when did this happen?

Late September 2013. Ms. Prieto would then wait until, after raising my hand, when called on by the lecturer, she would interrupt the lecturer's answer. When I called her on this, she would turn around and yell at me to shut up. She would then laugh and look at everyone else and look at Mr. Walls. This went on for four months.

18. What does the lecturer do when she says to you to shut up?



They just stood there and watched. No one said a word.

19. What happens next?

She had a 6 inch knife on her desk. Mr. Walls stands up and says, "I am not going to mess with you, you have a knife." A couple of people said there are no knives allowed. I did not say anything. She sat behind me. It made me very uncomfortable. I am wondering what she is going to do with that knife.

She also had a habit of eating sunflower seeds at her desk. She would spit the seeds on her desk. I came in one day with seeds all over my cubicle area. I asked why there were seeds all over my floor. I concluded I needed to watch my back. It made me very uncomfortable.

20. When did you first see the 6 inch knife?

When Wall shouted out about it, around the third week of September, 2013. Some days I saw it, some days I did not see it. One of my friends teased me and put a finger at the back of my neck and I jumped, saying she was going to stab you in the back.

21. Do you report Ms. Prieto behavior or the presence of the knives?

Yes.

22. To whom did you make the report?

To Matthew Such, Jennifer Ware and Jessica Ward.

23. To whom did you first make a report about the knives?

To Matthew Such:

24. When?

In the middle of October.

25. How did you make the report?

In person, verbally. I asked if he could talk to Ms. Prieto about telling me to shut up.

26. What did he say?

He said, "I'll talk to her, I'll take care of it." I told him about the knives at that time.

27. What did you tell him about the knives?

That she had a knife on her desk. She was acting confrontational. She is waiting to interrupt me

on purpose. She lets everyone else raise hands and ask questions uninterrupted. When I ask a question, she says shut up.

28. What did Mr. Such say about the knives?  
He said he would talk to her.

29. Did he talk to her?

I don't know. I also reported it to a security guard up on 6<sup>th</sup> floor. I was coming out of the bathroom.

30. Who was the security guard?

Andre Phils. I told him about the knife and about the harassment by Ms. Prieto, in the 3<sup>rd</sup> or 4<sup>th</sup> week of September. And he said he would look into it and get back to me. Three to four days later I saw him up there again, and I went up to him and said, "She has a knife there right now." He said he had to make sure the lights off in the copy room rather than come with me. I have not heard from him since.

Then there was the first physical confrontation between myself and Ms. Prieto. Our class took a break for 5 minutes after Ms. Prieto again interrupted me and told me to shut up and I firmly told her to stop interrupting me. I walked back to my cube, and she followed me into my cube and came up to me physically and said, "You trying to cause trouble?" several times. I told her to get away from me and to stop harassing me.

31. What if anything happens at that point?

Dinar Maunder witnessed some of this incident. He heard me shout at Ms. Prieto to stop harassing me and then she went to her desk.

32. Ms. Prieto what race is she?

She looks White to me. She is female.

33. What is the race of Mr. Walls?

Caucasian/White.

34. Did you report this harassing incident involving Ms. Prieto?

I sent Mr. Such an email saying that Ms. Prieto has started up again but I did not report the physical confrontation because I felt they would stereotype me as a Black man and I would be faulted rather than her.

35. Did that mean the harassment had stopped prior to this incident?



Yes, it stopped for about a week after the first time after I reported it. But then Ms. Prieto continued the verbal attacks in class. She either interrupts me or asks for the lecturer to respond. I told her I did not want to hear from her, I wanted to hear from the lecturer. Then she had two knives, metal knives. Both cutting knives, like a 4 inch paring knife, plus a larger knife with a 6 inch blade. Then, in October, Mr. Walls shouts out again as she and I are getting into constant confrontations.

36. What is the instructor doing while this is going on?

I would raise my hand and ask a question and with the instructor talking to me. None of the instructors said anything when they heard her interrupt and allowed her to say shut up to me. I was feeling demeaned and disrespected while this is going on. I reported this to Mr. Such a second time.

37. What did he do?

I don't know what he did.

38. Did he say he would take care of it?

He did not respond to the email that I recall.

39. What happens next?

After the physical confrontation, there are now three knives on top of her desk. I am talking to a friend at home because now Ms. Prieto has three knives and now she is confronting me. My friend tells me that when I started back in September, I was happy about my job, and the friend says to me, all this week all you have been talking about is how you are going to defend yourself. I said, "I've already told them she has the knives. I am afraid if I report any more I won't have a job."

Next week, we have a female lecturer; this is early November, 2013. I asked a question, Ms. Prieto interrupts again. I said, "I am not talking to you." Ms. Prieto answered a question, and I said I did not agree and instructor says I am correct. We take a break. Alam Mohammed is sitting adjacent to me. Ms. Prieto comes back, putting her hands in my face, swinging her hands. I make notes with a red pen. She hits my hand and smacks the pen and gets ink on her hand. Says I got ink I on. I tell her I did not. I yell at her that she is crazy, and tell her to get away from me. I ask Alam if she is crazy, he says yes and starts laughing. She walks away and goes back to her desk.

I feel like I am going to lose my job because I am being harassed by this White girl, and if I complain I will be seen as an aggressor. I am fearful of bringing a complaint because I feel like I am going to lose out because of racism. Then, in late November, she added a butter knife. I decided the next time she attacked me, I was going to call the police. Once before, we were taking a quiz in December, it was after our 4<sup>th</sup> quiz, which are on line. Mr. Alamadi says it's time to take the quiz. Ms. Prieto had gotten Bose headphones because Mr.

Walls kept talking out loud, but she would not say anything to him. I am already on question 5 of the quiz, and people are yelling they do not have the quiz. Mr. Ahmadi asks who does not have the quiz, asks me if I had the quiz. He asked me, "How did you get the quiz?" I said tell them to click on the assessment button. As I am telling Mr. Ahmadi this, Ms. Prieto looks at me and tells me to shut up. I told her that she could hear me, I tell her shut up and fail her quiz. Someone comes up to talk to me, Md, and she jumps up and says to shut up. I said I'm going to get in trouble. Two days later, we have a lecture. Hop Dang is the lecturer. I waited until the end of lecture and asked a question. I asked him to go through some steps again. He is talking to me and telling me the steps, I am saying yes as he goes through the steps. She tells me to shut up, let him talk. I tell her to stop interrupting. I tell him I am calling Jessica Ward. I ask if that is ok. He says yes. After break, she interrupts again and I leave room and send email to Mr. Such saying she was doing it again.

I said I wanted to speak with Jessica Ward – she is the class room manager. This was in December before I called security.

40. Did you hear from Ms. Ward?

She did not respond for two days. She was coming in to give us a lecture in the lecture hall. I walked up to her and said, "Did you see your email?" She said, "Yes, I saw them," with this look of disapproval. She then responded via email later and asked if I still needed to speak with her, I said no because she indicated through her tone of voice and look to let me know her opinion already.

41. Tell me about the December 13, 2013 incident involving your phone call to security.

On December 13, 2013 I called the police regarding the knives in the morning. Md comes in to talk to me about his stomach. Ms. Prieto tells us to shut up. I decided that I did not want it to get worse. So I called the police, I explained that she was very confrontational and had knives on desk. I called Security. I explained that she had been verbally abusive and threatening and physically confrontational. She got within 4 inches with me. She had slapped a pen out my hand, assault and battery. Federal police were called. Federal police arrived and asked me what took place.

42. Do you know who responded?

Officer Dearborn. I showed him what she did and how close she came to me. How she smacked me. How she had ink on her hand saying I wrote on her. He told me sit down. They asked her to step out. The other security guys say, "I don't see any knives." I said, "There is a knife in a cup." He picks up one. Says he does not see any more. I say, "There is another one right there." He picks up the second knife. He barely opens her drawer and doesn't see anything. I let it go. I am called into Matthew Such's office; Ms. Prieto is in office. Officer Dearborn says violence in workplace will not be tolerated. He says all the witnesses confirm that she was bullying me. She immediately starts yelling and saying I am being disrespectful. She is pointing her finger in my face. I said, "This is because of racism." I said, "She thinks she is superior because she is White." I tell Officer Dearborn this is his fault because he is White. He sends me back to my



desk.

Officer Dearborn talks to her. She comes back to her desk and packs up her stuff. She says when asked, "He stabbed me in the back." I did not say a word. She was moved to another lab. During lunch, I saw her 6 inch knife sitting in a bowl in a refrigerator. They did not search her. I did not call them again as I felt I was not going to be protected. Two to three hours later Jennifer Ware from HR asks me to come down and speak with her. I go there for two to three hours and share with her what I have told you. I send her emails documenting my problems. I asked her for the summary of our meeting. She said she would not send me the summary at that time. I then went to OEEOD and got the summary, which did not document what had been done to me. At that point I filed formal charges.

43. Were any other USPTO supervisors there during the December 13 incident?

Gary Jones and Debbie Reynolds were sitting outside Mr. Such's office on December 13. They just sat there, they did not say a word. I later sent an email to them saying I wanted a conference with them. They never responded.

The next day I get a call from Jessica Ward (nee Rossi) who calls me into Mr. Such's office with Mr. Such. She said she wanted to talk with me about what happened the day before. She said that the federal police work hard and put their lives on line. I stopped her and said, "I know you are not going to tell me, the Black man that I should not have called security about the White girl with knives." I explained to her about all of the incidences. Her response was, "If you have any more problems, then we are going to have to take some sort of action, including termination."

She indicated there would be stronger disciplinary action. I told her that I hoped it would not be termination. I told her that my experience had been that a Black person saying something against a White person, I did not expect it to come down to me being terminated. Racism means I will get terminated. She said that is not the case, that is not how they do things. I then sent an email asking to be moved over early over to my Art Unit. They move me out of the lab on December 20; I moved into the Art unit.

43. You have alleged that on December 13, 2013 your complaints of hostile work environment were not taken seriously because you are a six foot, medium built Black man and the alleged harasser is a White woman. On what do you base this allegation?

I am 6'3, 201 lbs, and Black. I informed Officer Phils about knife earlier. He blew me off, he had to check to make sure lights off in copier room. On two separate occasions I said this to him. Nothing was done. Regarding Ms. Ward, I sent her the email that I needed to speak to her. Her response the next day was that she seemed ticked off at me about sending the email about a conflict. I felt dismissed and that she did not want to hear from me. I was complaining about a female. She did not seem to want to address my issue. She frightened me from going forward at that time; she had the power to fire me and did not seem concerned about the issue I raised. Regarding Ms. Ward on December 14: her whole demeanor in that room was trying to discount what had happened and what I had said about the knives and about my basis for being concerned. She did not want to hear about my being hit. She did not take my complaints seriously, she did

not respond when I told her there were multiple confrontations. Regarding the hair (my complaints that Ms. Prieto pulled out her hair and sucked on the ends), she said, "I do quirky things with my hair too." She was not taking my complaints seriously – we were sharing desks, it was unsanitary, etc. Ms. Ward did not take these things seriously and tried to pass it off as quirky.

I asked her, "Do I have to be stabbed to have this taken seriously?" I let her know I did not think she was taking my complaints seriously. She came back with, "I am your classroom manager, if this continues I will take stronger action." I was thinking, you need to contain the problem person, not me.

Regarding the federal police officers, they did not search Ms. Prieto. They did not ask about the 6 inch knife. They did not write her a citation. They did not take it seriously. Then she put her hands in my face and they did not see that she was being violent. The information that I provided was not contained in the report in terms of what she did to me.

Ms. Ware – she did not take my complaints seriously. She did not take a full report. I spent the time talking to her and she did not record everything and tried to turn it on me saying I was all over the place.

Gary Jones and Deborah Reynolds: As the Director and Deputy Director, if they are sitting there and federal police there, they did not talk to me, and they knew I was the one who called the police. They ignored my request to have a conference. They did not take my request seriously. Now, they are turning away, they won't say hello, they are punishing the complainer.

44. Why do you believe outcome different if you were different race and/or gender?

If I had done the same things Ms. Prieto did, I believe I would have been fired. No one has said they are sorry. Based on the way they have responded to me, it is like I am an outcast, that is because I have complained even though I was the victim.

45. How has this affected your work environment?

See my comments above. I was so concerned about her weapons, I brought in an old keyboard with the cord wrapped around to knock the knife out of her hand if she came after her.

You have alleged that on or about December 13, 2013 and continuing your harasser as been allowed to continue to violate USPTO policies on workplace safety and conduct by bringing knives into the workplace and threatening you. Describe specific threats. Witnesses, etc.

46. Please describe the effects of the harassment on you.

Daily, I was being harassed, that was all I could talk about. I could not focus, I was fearful of the knives on her desk. She was always being confrontational. I had 6 months experience in a law firm prior to coming to the class. So people would come to me for the help. Every time she yelled shut up, I was hurt, I had trouble focusing, I was upset no one was going anything about it. The lecturers allowed it to happen. That made it hard for me to focus. I don't think I got what I



should have gotten out of the lab. It affected me every day. My first evaluation said that I did not get along with others, and needed improvement. I take that to be like during desegregation, you complain and they blame me. I did not do anything to cause this. I always raised my hand – then I get a rating saying I had trouble getting along with other. It affects my career.

All those unfair and biased summaries that left out that I was being attacked and that I was the victim. I found out that some family member of Ms. Prieto works there – Beatriz Prieto – in the W quad tech center 2400. They were protecting her over me and punishing me.

After I reported all of this, and I walked passed Mr. Jones, Ms. Reynolds and Ms. Ward, they would not speak to me even when I said hello. I did not create the mess and I showed respect to everyone. I am 6 foot 3 and say please and thank you and am very polite. To racist people that shows I am weak because I am polite, and they take advantage of that.

It still is painful to me the way they did not handle it. They punished me for things that were not my fault. They did not punish her for having the knives, they did not punish her when she was physically assaultive. If I had done similar things, I would have been punished.

47. What remedies are you seeking?

#### **DAMAGES**

- (1) Payment of **ONE MILLION AND THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00 USD)** as compensatory damages for the direct and proximate caused personal injuries, such as: Depression, Anxiety Disorder, Insomnia etc.; Intentional Infliction of Emotional Distress, Mental Anguish, Acid Reflux, Headaches, Diarrhea, Chest Pains, and Neck Pains; loss of \$300,000.00 Life Insurance Policy, loss of personal properties, and increased late fees and penalties and interests on all loans and debt etc.; and rejections/denials of job opportunities with other federal agencies as a result of the malicious and libelous September 9, 2014 Notice of Termination Letter and the illegal retaliatory firing (**subject to minimal negotiations**).
- (2) Reinstatement of my job as a Patent Examiner under a Technology Center Director other than Joseph Thomas and a Supervisory Primary Examiner other than Lisa M. Caputo, i.e. in another Art Unit, e.g., Computer Network Architecture or Information Technology, without any “probationary-year period” or “alleged production requirement” during the following year.
- (3) Repayment of all salaries and compensation benefits lost since the illegal retaliatory firing.
- (4) Repayment/reinstatement of all retirement benefits lost since the illegal retaliatory firing.
- (5) Repayment/reinstatement of all 401K contributions lost since the illegal retaliatory firing.
- (6) Reinstatement of all vacation time exhausted because of the racial and gender discrimination, extreme hostile environment, systematic and agency-wide harassment, and workplace violence; and or director Joseph Thomas’ malicious refusal to allot me Other Time to draft affidavits related to this complaint and or paid out as a result as the illegal retaliatory firing.
- (7) Reinstatement of all personal sick leave (or administrative sick leave) exhausted because of the racial and gender discrimination, extreme hostile environment, systematic and agency-wide harassment, and workplace violence; and or director Joseph Thomas’ malicious refusal to allot me

Other Time to draft affidavits related to this complaint and or paid out as a result as the illegal retaliatory firing.

- (8) Removal of the malicious and libelous September 9, 2014 Notice of Termination Letter from any Personnel, USPTO, DOC or OPM file, folder, or data storing means and or from any file, folder, or data storing means anywhere inside the federal government.
- (9) Written letters of apologies from all officials (e.g., but not limited to, Anne Mendez, Joseph Thomas, Jennifer Ware, Jessica Rossi, Gary Jones, Deborah Reynolds, Matthew Such, Andre Fields, etc) of the USPTO, DOC, FPS (i.e. Investigators Dearborn and J.D. Williams), OPM (i.e. Sara Bell or the OPM investigator involved in the May 12, 2014 libel and slander) or any other federal agency, as well as affiliate (i.e. KeyPoint, Inc.'s background investigator and SekTek, Inc. Leadership) and or contracted company, e.g., KeyPoint, Inc. or SekTek, Inc. etc. involved in the instant complaint in any form or fashion.
- (10) I have forever lost the experience to graduate from the Patent Training Academy with my friends and peer patent examiners from the September 9, 2014 Entering Class.
- (11) Per the "No Tolerance Towards Workplace Violence Policy" and the promise of OEEOD Director Bismarck Myrick to the September 9, 2013 Entering Class, **immediate removal** of Violeta Prieto and Wei "Victor" Chan from the USPTO because of their physical assault and battery against me; **or, in the alternative**, Written Letters of Apologies from Ms. Prieto and Mr. Chan acknowledging their culpability but the alternative is **only based upon the USPTO and DOC's acceptance of item (1) above.**
- (12) **Required diversity training** for all of the USPTO officials involved (Anne Mendez, Joseph Thomas, Jennifer Ware, Jessica Rossi, Gary Jones, Deborah Reynolds, Andre Fields, Matthew Such etc.) and Vincent Wall.
- (13) **Required diversity training** for Violeta Prieto and Victor "Wei" Chan only if and is **only based upon the USPTO and DOC's acceptance of item (1) above.**

WITHOUT ANY SETTLEMENT PRIOR TO ANY ADMINISTRATIVE HEARING OR CIVIL PROCEEDING, I seek the following damages:

- (14) Payment of **FOUR MILLION AND FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000.00 USD)** as compensatory damages for the direct and proximate caused personal injuries, such as: Depression, Anxiety Disorder, Insomnia etc.; Intentional Infliction of Emotional Distress, Mental Anguish, Acid Reflux, Headaches, Diarrhea, Chest Pains, and Neck Pains; loss of \$300,000.00 Life Insurance Policy, loss of personal properties, and increased late fees and penalties and interests on all loans and debt etc.; rejections/denials of job opportunities with other federal agencies as a result of the malicious and libelous September 9, 2014 Notice of Termination Letter and the illegal retaliatory firing; and further as compensation lost for all salaries, compensation benefits, all retirement, all 401K contributions, vacation time, and sick leave that would have been (but for the stolen opportunity via the illegal firing and libelous Notice of Termination Letter) earned over a twenty-five (25) year career at the USPTO or other federal agencies.
- (15) **Punitive damages** ordered against the DOC/USPTO sufficient **to deter** their future misconduct.

(16) And any and all attorney fees, expenses, costs, such other remedies deemed fair and proper.

The fact that I had disrupted training, I would like that taken into consideration regarding my production. I would like to go through the search training again without any distractions.

**OATH**

I, Gregory Royal, have read the above statement/affidavit and being duly informed, and understanding the penalties of perjury; duly swear under oath that the statements made in this Affidavit are true and correct, and complete, to the best of my knowledge.

/s/ Gregory Allen Royal  
Gregory Royal, Witness/Affiant  
Dated: December 23, 2014

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Lisa A. Kleine, EEO investigator, or Notary Public



**OATH**

I, Gregory Royal, have read the above statement/affidavit and being duly informed, and understanding the penalties of perjury; duly swear under oath that the statements made in this

Affidavit are true and correct, and complete, to the best of my knowledge.

Dated: December 23, 2014

  
Gregory Royal, Witness/Affiant

Subscribed and sworn to me this 23rd day of December, 2014.



\_\_\_\_\_  
Lisa A. Kleine, EEO investigator, or Notary Public